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The Honorable Benjamin H. Settle

IN UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

LOWELL V. MORRIS,

Civil Action No: 3:14-cv-05320

Plaintiff,

vs.

RAY MABUS, SECRETARY OF THE NAVY,

**STIPULATION FOR FILING AMENDED
COMPLAINT AND NOTICE TO
WITHDRAW FEDERAL DEFENDANT'S
PENDING MOTION TO DISMISS**

Defendant.

I. STIPULATION

This stipulation is made and entered into between Plaintiff Lowell Morris and Defendant Ray Mabus, Secretary of the Navy, by and through their respective counsel, with reference to the following:

1. Plaintiff filed this action on April 16, 2014 (Dkt. # 1), alleging that Defendant violated Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act.

2. The Clerk of the Court issued a Summons on August 11, 2014 (Dkt. # 6), and served Defendant with a copy of the Summons and Complaint via certified mail that same day.

3. The Court granted the parties' Stipulated Motion to Extend Time for Federal Defendant to Answer and to Modify Initial Scheduling Dates on October 16, 2014 (Dkt. # 8), ordering Defendant to answer or otherwise respond to Plaintiff's Complaint on or before November 21, 2014.

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1 4. Defendant filed a timely Motion to Dismiss or for a More Definite Statement on
2 November 20, 2014 (Dkt. # 10), arguing that Plaintiff's Complaint should be dismissed for failure
3 to state a claim, or in the alternative, requesting a more definite statement demonstrating a plausible
4 claim for relief.

5 5. Counsel for the parties have conferred on this matter and Plaintiff has drafted the
6 Amended Complaint attached as Exhibit 1 to this Stipulation, which sets forth Plaintiff's claims in a
7 more definite manner.

8 6. Defendant should have a reasonable time to answer or otherwise respond to the
9 Amended Complaint.

10 11 THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

12 13 1. Pursuant to Federal Rule of Civil Procedure 15(a)(2), Defendant consents to Plaintiff
14 filing the Amended Complaint attached to this Stipulation as Exhibit 1.

15 16 2. Pursuant to Local Civil Rule 7(l), Defendant withdraws his Motion to Dismiss (Dkt.
10).

17 18 3. Defendant may answer or otherwise respond to Plaintiff's Amended Complaint on
or before December 29, 2014.

19 20 SO STIPULATED this 10th day of December , 2014.

21 22 *s/ Chalmers C. Johnson*
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Attorney for the Defendant

ORDER

IT IS SO APPROVED;

DATED this 10 day of January, 2014.

Benjamin H. Settle
UNITED STATES DISTRICT JUDGE

Jointly Presented by:

s/ Jamal Whitehead
JAMAL WHITEHEAD, WSBA #39818
Assistant United States Attorney
United States Attorney's Office

Attorneys for Federal Defendant

s/ Chalmers C. Johnson
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Attorneys for Plaintiff